



Notice of Appeal From the Primary Examiner to the  
Board of Patent Appeals and Interferences (37 CFR 1.191)

Date of Mailing: February 27, 2009

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In the United States Patent and Trademark Office

In re application of: James P. Elia

Docket No.: 1000-10-CO1

Serial No. 09/836,750

Group No.: 1647

Filed: April 17, 2001

Examiner: Daniel C. Gamett

For: METHOD FOR GROWING MUSCLE  
IN A HUMAN HEART

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail  
in an envelope addressed to MAIL STOP AF, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

FEBRUARY 27, 2009

Signature: *Karen Miller* Date of Signature: 02/27/09

**MAIL STOP AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Applicant hereby appeals to the Board from the non-final decision of the Primary Examiner mailed October 2, 2008 rejecting claims 236, 238, 239, 243, 244, 247, 250, 251, 253, 257-263, 268-271, and 280-285, which have been twice rejected, and 288-290.

The item(s) checked below are appropriate:

**1. Status of Applicant**

This application is on behalf of  
☒ a small entity

**2. Fee for Filing Notice of Appeal**

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

☒ a small entity

Notice of Appeal fee due: \$ 270.00

☒ A filing fee in the amount of \$250.00 for the Notice of Appeal filed February 23, 2007 was paid; therefore, pursuant to MPEP 1204.01 \$ 250.00 is deducted from the total fee due for the instant Notice of Appeal.

☒ Notice of Appeal fee due with this request

\$ 20.00

Adjustment date: 03/04/2009 CCHAU1  
12/20/2006 AWONDAF1 00000097 09836750  
01 FC:2401 -250.00 OP

03/04/2009 CCHAU1 00000045 09836750

01 FC:2401  
02 FC:2252

270.00 OP  
230.00 OP

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**3. Extension of Term**a) ☒ Extension requested:

<u>Extension (months)</u>	<u>Fee for small entity</u>
one month	\$ 60.00
two months	\$ 230.00
three months	\$ 525.00
four months	\$ 820.00
five months	\$1,115.00

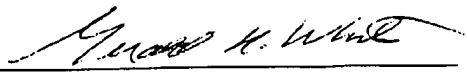
Request Extension for 2 month(s) = Fee \$ 230.00Extension fee due: \$ 230.00Extension fee due with this request \$ 230.00**OR**b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.**4. Total Fee Due**

The total fee due is:

Notice of Appeal fee \$ 20.00Extension fee (if any) \$230.00**Total Fee Due: \$ 250.00****5. Fee Payment**Attached is Check No. 1712 in the sum of \$ 250.00.

Date: February 27, 2009

Reg. No.: 26,611

  
Signature of attorney

Gerald K. White

Type or print name of attorney

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